

EX PARTE OR LATE FILED

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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JUN 1 1994  
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In the Matter of )  
)  
Implementation of Section 309(j) )  
of the Communications Act )  
Competitive Bidding Treatment of )  
Designated Entities )

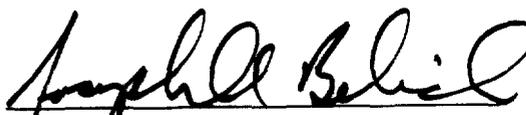
PP Docket No. 93-253

To: The Secretary

**EX PARTE PRESENTATION**

MasTec, Inc. submits an original plus one copy of this memo and attached letter (hand-delivered ex-parte to Commissioners Andrew C. Barrett, James Quello, Rachele Chong, and Susan Ness) for inclusion in the record of the above-referenced rule making proceeding.

Respectfully submitted,

*for*   
Matthew L. Leibowitz  
Counsel for MasTec, Inc.

May 31, 1994

Leibowitz and Associates  
One S.E. Third Avenue  
Suite 1450  
Miami, FL 33131  
(305) 530-1322

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

May 20, 1994

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, N.W. Room 814  
Washington, D.C. 20554

Dear Chairman Hundt:

We are concerned with recent indications that the Federal Communications Commission (FCC) may not be fully implementing Section 309(j) of the Communications Act passed by Congress in August 1993, granting the Commission authority to conduct auctions for licensing radio spectrum for the emerging Personal Communications Services (PCS) industry.

Congress specifically designed subsection 4(D) of Section 309(j) to ensure that women and minority owned firms, small businesses, and rural telephone companies are given an equal opportunity to participate in the PCS bidding process. As you know, PCS will create a massive new telecommunications market representing an historic opportunity to expand the ownership and control of our telecommunications industry to include all citizens.

Given the estimated costs of establishing a PCS network and purchasing licenses, it is our belief that the Commission must implement four essential mechanisms so minority and women owned firms (having at least 50.1 percent equity ownership and 50.1 percent controlling interest) and small businesses, including rural telephone companies, have access to the necessary capital to compete in the PCS market. These mechanisms are: frequency set-asides; installment payments; tax certificates; and bidding credits. Anything short of these devices, particularly set-asides, would fail to properly and fully implement the provisions of Section 309(j)(4)(D) of the Communications Act and would have the likely effect of barring minority, women, and small business entry into the PCS market.

While the March 8, 1994 FCC regulations on competitive bidding for narrowband radio spectrum included some provisions for women, small businesses, and minority participation, the Commission did not treat these entities in a balanced manner, and failed to address rural telephone companies specifically. By failing to categorically and uniformly adopt spectrum set-asides on an MTA basis, tax

The Honorable Reed Hundt  
May 20, 1994  
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certificates, installment payments and bidding credits, the Commission falls short of complying with its congressional mandate to ensure fair opportunities for small business, including rural telephone companies, minorities and women in this new form of communication.

Compliance with Congressional intent is critical to ensure that the designated entities have access to participate in this emerging industry. We trust that you will look into this matter and address our concerns before the promulgation of auction rules for broadband PCS. We would also welcome your assurance that the Commission will pursue a strategy to suitably improve the problems we have raised.

Thank you for your attention to this matter. We look forward to your response.

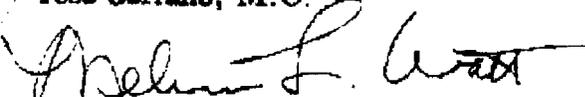
Sincerely,

  
Bill Richardson, M.C.

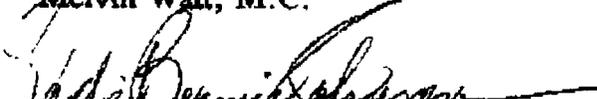
  
Patricia Schroeder, M.C.

  
Jose Serrano, M.C.

Major Owens, M.C.

  
Melvin Watt, M.C.

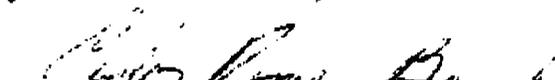
  
Hans Kos-Lehtinen, M.C.

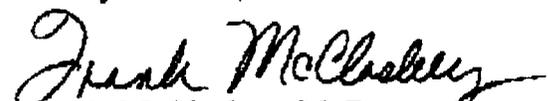
  
Eddie Bernice Johnson, M.C.

  
Robert Torricelli, M.C.

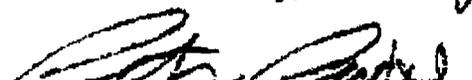
  
Lincoln Diaz-Balart, M.C.

  
Nancy Johnson, M.C.

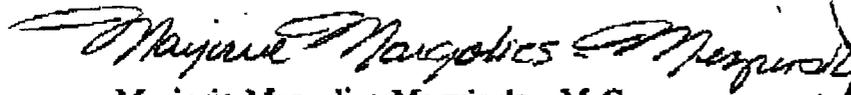
  
Carlos Romero-Barcelo, M.C.

  
Frank McCloskey, M.C.

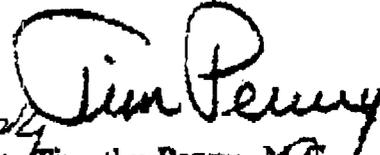
  
Robert Menendez, M.C.

  
Peter Deutsch, M.C.

The Honorable Reed Hundt  
May 20, 1994  
Page three



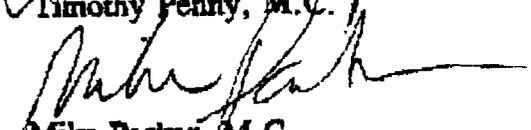
Marjorie Margolies-Mezvinsky, M.C.



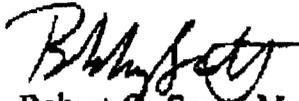
Timothy Penny, M.C.



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SELECT COMMITTEE ON INTELLIGENCE  
HELDING COMMITTEES  
ON HUMAN RIGHTS



**Congress of the United States**  
House of Representatives  
Washington, DC 20515-5105

May 27, 1994

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, N.W. Room 814  
Washington, D.C. 20554

REC MAIL ROOM

Dear Chairman Hundt:

I am enclosing the signatures of 44 additional members of Congress who would like to add their names to the letter regarding Personal Communications Services auction rules for the designated entities which I, along with 18 members, sent to you on May 20. A copy of the original letter is also attached.

I apologize for the hasty presentation of the additional signatures, but I believe that Congressional support for the strategy outlined in the attached letter is clear. Please contact me if I can provide you further information.

With warm regards,

Bill Richardson  
Chief Deputy Majority Whip

BR/mm

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*Xavier Becerra*  
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*Gerald Kieczka*  
Gerald Kieczka, M.C.

*Gerry Studs*  
Gerry Studs, M.C.

*Ben Gilman*  
Ben Gilman, M.C.

*Nydia M. Velazquez*  
Nydia M. Velazquez, M.C.

*Ed Pastor*  
Ed Pastor, M.C.

*Lucille Royball-Allard*  
Lucille Royball-Allard, M.C.

*Steny Hoyer*  
Steny Hoyer, M.C.

*Luis V. Gutierrez*  
Luis V. Gutierrez, M.C.

*Bart Stupak*  
Bart Stupak, M.C.

*Mike Bilirakis*  
Michael Bilirakis, M.C.

*Karen Thurman*  
Karen Thurman, M.C.

*Albert R. Wynn*  
Albert R. Wynn, M.C.

*Butler Derrick*  
Butler Derrick, M.C.

*Carrie P. Meek*  
Carrie Meek, M.C.

*Bob Carr*  
Bob Carr, M.C.

*Eva M. Clayton*  
Eva M. Clayton, M.C.

*Solomon P. Ortiz*  
Solomon P. Ortiz

*Nancy Pelosi*

Nancy Pelosi, M.C.

*Nita Lowey*

Nita Lowey, M.C.

*Rosa DeLauro*

Rosa DeLauro, M.C.

*Corrine Brown*

Corrine Brown, M.C.

*Esteban Torres*

Esteban Torres, M.C.

*Pete Peterson*

Pete Peterson, M.C.

*Sidney Yates*

Sidney Yates, M.C.

*David Skaggs*

David Skaggs, M.C.

*Bill Hefner*

Bill Hefner, M.C.

*Bob Wise*

Bob Wise, M.C.

*Tom Sawyer*

Tom Sawyer, M.C.

*Tim Johnson*

Tim Johnson, M.C.

*Michael Kopetski*

Michael Kopetski, M.C.

*Jerrold Nadler*

Jerrold Nadler, M.C.

*Barney Frank*

Barney Frank, M.C.

*Sam Giddenson*

Sam Giddenson, M.C.

*Howard Bernick*

Howard Bernick, M.C.

*Rance Vento*

Rance Vento, M.C.

*Thomas Marton*

Thomas Marton, M.C.

*Charlie Rose*

Charlie Rose, M.C.

*Jim Cooper*

Jim Cooper, M.C.

*Gary Condit*

Gary Condit, M.C.

*Martin Frost*

Martin Frost, M.C.

*Richard Durbin*

Richard Durbin, M.C.

*Dan Glickman*

Dan Glickman, M.C.

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